

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

205 CV 12 AM 9:39
J. Jay
SO. DIST. OF GA.

RICHARD A. RUDOLPH, JR.

Petitioner,

v.

CIVIL ACTION NO.: CV205-050

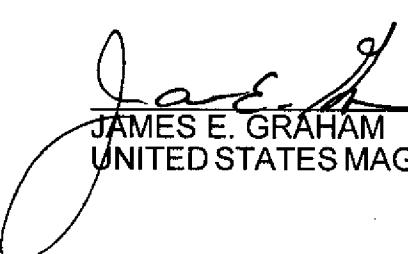
WILLIAM SMITH, Sheriff, and
JAMES DONALD, Commissioner,
Georgia Department of Corrections,

Respondents.

O R D E R

Commissioner James Donald of the Georgia Department of Corrections has filed a Motion to Dismiss this petition as unexhausted. (Doc. 21.) The Court granted a similar motion filed by Sheriff William Smith and dismissed this case by Order dated June 24, 2005, because Petitioner had not exhausted his available state remedies. This case was closed that date. Accordingly, Commissioner's Donald's motion is **DISMISSED** as moot. Petitioner's motion for appointment of counsel (Doc. 20) is also **dismissed**.

SO ORDERED, this 13th day of July, 2005.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE

United States District Court
Southern District of Georgia

RUDOLPH

_____)

vs)

SMITH, ET AL

CASE NUMBER CV205-50

DIVISION BRUNSWICK

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

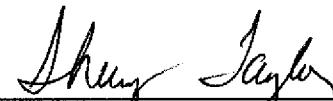
1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated
7/13/05, which is part of the official record of this case.

Date of Mailing: 7/13/05

Date of Certificate same date, or _____

Scott L. Poff, Clerk

By:


Sherry Taylor

Sherry Taylor, Deputy Clerk

Name and Address

Jason Fisher

Brent Green

Richard Rudolph, Jr., GDC1145064/BC573348, Baldwin State Prison, P.O. Box 218, Hardwick, GA 31034

- Copy placed in Minutes
 Copy given to Judge
 Copy given to Magistrate